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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCOS HERRERA,

Defendant.

SA 08-684M

ORDER OF DETENTION AFTER HEARING
(18 U.S.C. § 3142(i))

I.

A. On motion (X) (by the Government) / () (by the Court sua sponte) involving:

1. () serious risk defendant will flee;

2. () serious risk defendant will

a. () obstruct or attempt to obstruct justice;

b. () threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

3. (X) a violation of supervised release or probation.

II.

The Court finds no condition or combination of conditions will reasonable assure:

A. (X) appearance of defendant as required; and/or

B. () safety of any person or the community;

III.

The Court has considered:

- A. (X) the nature and circumstances of the offense;
- B. (X) the weight of evidence against the defendant;
- C. (X) the history and characteristics of the defendant;
- D. () the nature and seriousness of the danger to any person or to the community.

IV.

The Court concludes:

- A. () Defendant poses a risk to the safety of other persons or the community because:
- B. () History and characteristics indicate a serious risk that defendant will flee because:

C. () A serious risk exists that defendant will:

- 1. () obstruct or attempt to obstruct justice;
- 2. () threaten, injure or intimidate a witness/ juror; because:

D. (X) Defendant has not established by clear and convincing evidence to the contrary that he does not pose a risk of flight or danger to the community as provided in 18 U.S.C. § 3143 (a). Defendant absconded from supervised release and failed to comply with drug treatment provisions.

IT IS ORDERED that defendant be detained prior to trial.

IT IS FURTHER ORDERED that defendant be confined as far as practicable in a corrections facility separate from persons awaiting or serving sentences or person held pending appeal.

IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity for private consultation with his counsel.

Dated: December 12, 2008



Marc L. Goldman
U.S. Magistrate Judge